



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 26, 2024

By ECF

The Honorable Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *New Yorkers Against Congestion Pricing Tax, et al. v. U.S. Dep't of Transp., et al.*,
No. 23 Civ. 10365 (LJL) (S.D.N.Y.)

Dear Judge Liman:

I write in response to the Court's order dated February 23, 2024. *See* Dkt. No. 50. If it proves necessary to file an administrative record in this matter, the Federal Defendants respectfully request that they be permitted to file the record in the same manner as the Court permitted in *Chan, et al. v. U.S. Dep't of Transp., et al.*, No. 23 Civ. 10365 (LJL), Dkt. No. 38 (S.D.N.Y. Feb. 23, 2024). However, given that the parties' anticipated motions to dismiss do not depend on the administrative record, the Federal Defendants respectfully request that they be permitted to defer filing of the administrative record in this matter until after the parties' motions to dismiss are resolved, if the case is not dismissed in full. *See, e.g., Am. Bankers Ass'n v. Nat. Credit Union Admin.*, 271 F.3d 262, 266 (D.C. Cir. 2001) (affirming district court's decision not to require filing of administrative record where resolution of claims did not depend on the record). When the Federal Defendants inquired with the other parties as to this approach this morning, no party objected.

We thank the Court for its consideration of this request.

Respectfully Submitted,

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By: /s/ Zachary Bannon
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